

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 12, 2010

DIVISION ONE

B209486 Jaimez, et al. (Not for Publication)
 v.
 Daiohs USA, Inc., et al.

The order denying the certification motion is reversed except as to the finding that Jaimez is not an adequate class representative, which we affirm. The trial court is directed to certify the subclasses as defined in Jaimez's motion upon the court's approval of a new class representative. The denial of the motion for leave to file the First Amended Complaint is reversed with directions to file the First Amended Complaint upon the appointment of a new class representative. In all other respects, the orders are affirmed. Jaimez is to recover his costs on appeal.

Johnson, J.

We concur: Mallano, P.J.
 Chaney, J.

B208759 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 H.H. et al.

The orders finding jurisdiction, finding the children were described by section 300, and ordering Mother to undergo a 730 evaluation are reversed. The other orders are affirmed. In light of the subsequent events in this case, no remand for further proceedings is necessary.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

DIVISION ONE (continued)

B211713 Full Throttle Films, Inc.
 v.
 National Mobile Television, Inc.
 Wachovia Capital Finance Corp.

Filed order certifying opinion for publication.

B215035 Blue Cross of California, Inc., et al.
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B217922 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Gloria L.

The appeal filed July 31, 2009 is dismissed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

B212037 People (Not for Publication)
 v.
 Santellanes

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B208091 People v. Reyman (Not for Publication)

The trial court is ordered to correct the abstract of judgment to reflect that the midterm of two years is imposed on count 3 as the principal term and that the sentence of two years imposed on count 1 and the sentence of six months in county jail on count 2 are stayed pursuant to section 654. The trial court shall send a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B210052 People v. Gray
B207329 People v. Luttrell
B210090 People v. James, et al.
B207146 People v. Vargas
B215699 Children and Family Services v. T.L.
B216313 Children and Family Services v. D.R.
B218627 Children and Family Services v. J.P.

Argument waived, cause submitted.

DIVISION THREE (continued)

B219011 People
 v.
 Superior Court, Los Angeles County
 (Sharkey, r.p.i.)

Merits:

Argued by Shirley S.N. Sun, deputy district attorney for petitioner and by Jack T. Weedon, deputy public defender for real party in interest. Cause submitted.

B205758 Weissman
 v.
 Phillips Financial Group, et al.

Merits:

Argued by Roger Stanard for appellant. Argument waived by respondent. Cause submitted.

B215223 Hunley
 v.
 George, et al.

Merits:

Argued by James Hunley, appellant in propria persona and by Robert O. Owen for respondent. Cause submitted.

B210918 Hardin
 v.
 Hunley

Merits:

Argued by James Hunley, appellant in propria persona and by Lawrence J. Hanna for respondent. Cause submitted.

DIVISION THREE (continued)

B207352 People
 v.
 Jackson, et al.

Merits:
Argued by Randy S. Kravis and Sara H. Ruddy for appellants and by
Herbert S. Tetef, deputy attorney general for respondent. Cause submitted.

B220384 L.M.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services, r.p.i.)

Merits:
Petitioner L.M. appears in propria persona and is advised by the court that
she will not be permitted to present argument. Appointed counsel did not
file a petition on her behalf and L.M. did not submit an amended petition.
Argument previously waived by the respondent. Cause submitted.

B215837 Porfirio Serrano, et al.
 v.
 Coast Court Reporters

Merits:
Argued by Edward Idell for appellants and by John Dodd for respondent.
Cause submitted.

Court recessed.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy
Clerk.

DIVISION THREE (continued)

B215969 Children and Family Services v. V.O.

Argument waived, cause submitted.

B217842 Los Angeles County, D.C.F.S.
v.
E.M.

Merits:

Argued by Leslie A. Barry for appellant. Argument waived by respondent.
Cause submitted.

B211503 Jackson
v.
Brasel, et al.

Merits:

Argued by Christie Webb for appellant and by Steven C. Pasarow for
respondents. Cause submitted.

B213602 Bell
v.
Centinela Hospital, A Cal. State Chartered Health Care Corp., et al.

Merits:

Argued by John Ka-Keung Fu for appellant and by Vadim Braslavsky for
respondents. Cause submitted.

DIVISION THREE (continued)

B219178 Arguelles-Romero, et al.
 v.
 Superior Court, Los Angeles County
 (Americredit Financial Services, Inc., r.p.i.)

Merits:

Argued by F. Paul Bland for petitioners and by Peter Scott Hecker for real party in interest. Cause submitted.

Court adjourned.

DIVISION SIX

B215706 James S. Brown (Not for Publication)
 v.
 CMG Escrow Co., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

B217822 People
 v.
 Quezada

Filed order granting motion to dismiss appeal.

DIVISION SEVEN

B214419 People (Not for Publication)
v.
Paschall

The judgment of conviction on count 2 for battery causing serious bodily injury is affirmed and the conviction on count 1 for simple assault is reversed.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B214864 People (Certified for Partial Publication)
v.
Miguel H.

The order finding counts 2 and 3 true and sustaining the petition under Welfare and Institutions Code section 602 is affirmed. The matter is remanded with directions that the juvenile court calculate appellant's maximum period of physical confinement and exercise its discretion in determining whether the terms of confinement on counts two and three merge under section 654.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

B212905 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (continued)

B210548 People (Not for Publication)
v.
Thompson

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B211899 People (Not for Publication)
v.
Collins

The judgment is modified by striking the \$1,000 restitution fine pursuant to section 1202.4(b) that was imposed when probation was revoked, leaving in force the \$200 restitution fine pursuant to section 1202.4(b) that was imposed when probation was granted. The amount of the parole revocation restitution fine that was imposed and stayed pursuant to section 1202.45 is reduced to \$200. An amended abstract of judgment shall be prepared, reflecting a restitution fine of \$200, if not already paid, and a stayed parole revocation fine of \$200. A certified copy of the amended abstract of judgment shall be prepared and delivered to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B207856 People (Certified for Partial Publication)
v.
Gonzalez, et al.

As to appellant Gonzalez, the firearm enhancements under Penal Code section 12022.53, subdivisions (b) and (c) are reinstated and stayed, and the trial court shall correct the abstract of judgment to reflect such reinstatement and staying. The court shall forward a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

As to appellant Ortiz, the firearm enhancements under Penal Code section 12022.53, subdivisions (b) and (c) are reinstated and stayed. The 15-year minimum parole eligibility period under Penal Code section 186.22, subdivision (b)(5) is struck. The trial court shall amend the abstracts of judgment for Ortiz's determinate and indeterminate terms to reflect the reinstatement and staying of the firearm enhancements. The court shall delete from the abstract of judgment for Ortiz's determinate and indeterminate terms those portions of the trial court's "Other orders" at paragraph 11 of the abstract stating Ortiz's minimum parole eligibility period is 15 years. The court shall modify paragraph 11 to direct parole authorities to apply the provisions of section 3046 in calculating Ortiz's minimum parole eligibility period as seven years for each consecutive life sentence. The court shall forward a copy of the corrected abstracts of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

B212163 People
v.
Messing

Filed order denying petition for rehearing.